

XAVIER BECERRA
Attorney General of California
MARK R. BECKINGTON
Supervising Deputy Attorney General
GABRIELLE D. BOUTIN
Deputy Attorney General
State Bar No. 267308
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-6053
Fax: (916) 324-8835
E-mail: Gabrielle.Boutin@doj.ca.gov
*Attorneys for Plaintiff State of California, by and
through Attorney General Xavier Becerra*

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

**STATE OF CALIFORNIA, BY AND
THROUGH ATTORNEY GENERAL XAVIER
BECERRA; COUNTY OF LOS ANGELES;
CITY OF LOS ANGELES; CITY OF
FREMONT; CITY OF LONG BEACH;
CITY OF OAKLAND; CITY OF
STOCKTON,**

Plaintiffs,

v.

**WILBUR L. ROSS, JR., in his official
capacity as Secretary of the U.S.
Department of Commerce; U.S.
DEPARTMENT OF COMMERCE; RON
JARMIN, in his official capacity as Acting
Director of the U.S. Census Bureau; U.S.
CENSUS BUREAU; DOES 1-100,**

Defendants.

Case No. 3:18-cv-01865-RS

**STIPULATION FOR HEARING AND
BRIEFING DEADLINES RE:
DISCOVERY OUTSIDE THE
ADMINISTRATIVE RECORD;
[PROPOSED ORDER]**

Dept: 3
Judge: The Honorable Richard G.
Seeborg
Trial Date: None Set
Action Filed: March 26, 2018

1 Plaintiffs State of California, by and through Attorney General Xavier Becerra, County of
2 Los Angeles, City of Los Angeles, City of Fremont, City of Long Beach, City of Oakland, and
3 City of Stockton (collectively, "Plaintiffs") and Defendants Wilbur Ross, U.S. Department of
4 Commerce, Ron Jarmin, and U.S. Census Bureau (collectively, "Defendants," and together with
5 Plaintiffs, "the Parties") hereby stipulate as follows:

6 1. In its April 2, 2018, order, the Court set an initial status conference for June 28, 2018,
7 at 10:00 a.m., in Courtroom 3 of this court.

8 2. Plaintiffs and Defendants disagree on whether discovery is appropriate in this action.
9 Plaintiffs contend that discovery is appropriate and necessary, including because the First
10 Amended Complaint includes a constitutional claim. Defendants contend that discovery is
11 inappropriate because, notwithstanding any constitutional claim, Plaintiffs challenge a discrete,
12 final agency action and this case should thus be decided on the administrative record compiled by
13 the agency.

14 3. In order to resolve this disagreement so that the case may proceed expeditiously, the
15 Parties stipulate and jointly ask the Court set a hearing on this issue for June 28, 2018, at 10:00
16 a.m., the same time and date as the scheduled status conference.

17 4. The Parties also stipulate and jointly ask the Court to order the following briefing
18 schedule prior to the June 28 hearing:

- 19 • Plaintiffs and Defendants shall submit simultaneous opening briefs, limited to 10
20 pages, on June 14, 2018.
- 21 • Plaintiffs and Defendants shall submit simultaneous responding briefs, limited to
22 6 pages, on June 21, 2018.

23 5. Defendants further note that, on May 22, 2018, this Court granted a motion to relate
24 this case to Case No. 18-2279, a case challenging the same agency decision at issue here. *See*
25 ECF No. 14. Given the similar facts and claims set forth in the complaints, Defendants propose
26 that, at a minimum, briefing by the parties in both related cases should be simultaneous and that
27 there may be other ways to best promote an efficient resolution of these actions and conserve
28 judicial resources.

1 **IT IS SO STIPULATED.**

2
3 Dated: June 4, 2018

Respectfully Submitted,

4 XAVIER BECERRA
Attorney General of California
5 MARK R. BECKINGTON
Supervising Deputy Attorney General
6 R. MATTHEW WISE
Deputy Attorney General
7

8 /s/ Gabrielle D. Boutin
GABRIELLE D. BOUTIN
9 Deputy Attorney General
Attorneys for Plaintiff State of California, by
10 and through Attorney General Xavier
Becerra
11

12 Dated: June 2, 2018

CHAD A. READLER
Acting Assistant Attorney General

14 BRETT A. SHUMATE
Deputy Assistant Attorney General

15 CARLOTTA P. WELLS
Assistant Branch Director

17 /s/ Kate Bailey
KATE BAILEY
18 STEPHEN EHRLICH
CAROL FEDERIGHI
19 Trial Attorneys
United States Department of Justice
20 Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
21 Washington, DC 20530
22 Phone: (202) 514-9230
Email: kate.bailey@usdoj.gov

23 Attorneys for Defendants
24
25
26
27
28

1 Dated: June 5, 2018

/s/ Margaret L. Carter
MARGARET L. CARTER, SBN 220637
DANIEL R. SUVOR
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071
Telephone: (213) 430-8000
Fax: (213) 430-6407
Email: dsuvor@omm.com
Attorneys for Plaintiff County of Los Angeles

7 Dated: June 5, 2018

MIKE FEUER
City Attorney for the City of Los Angeles

/s/ Valerie Flores
VALERIE FLORES, SBN 138572
Managing Senior Assistant City Attorney
200 North Main Street, 7th Floor, MS 140
Los Angeles, CA 90012
Telephone: (213) 978-8130
Fax: (213) 978-8222
Email: Valerie.Flores@lacity.org

14 Dated: June 5, 2018

HARVEY LEVINE
City Attorney for the City of Fremont

/s/ Harvey Levine
SBN 61880
3300 Capitol Ave.
Fremont, CA 94538
Telephone: (510) 284-4030
Fax: (510) 284-4031
Email: hlevine@fremont.gov

20 Dated: June 4, 2018

CHARLES PARKIN
City Attorney for the City of Long Beach

/s/ Michael J. Mais
MICHAEL K. MAIS, SBN 90444
Assistant City Attorney
333 W. Ocean Blvd., 11th Floor
Long Beach CA, 90802
Telephone: (562) 570-2200
Fax: (562) 436-1579
Email: Michael.Mais@longbeach.gov

1 Dated: June 4, 2018

BARBARA J. PARKER
City Attorney for the City of Oakland

2
3 /s/ Erin Bernstein

4 MARIA BEE
5 Special Counsel
6 ERIN BERNSTEIN, SBN 231539
7 Supervising Deputy City Attorney
8 MALIA MCPHERSON
9 Attorney
City Hall, 6th Floor
1 Frank Ogawa Plaza
Oakland, California 94612
Telephone: (510) 238-3601
Fax: (510) 238-6500
Email: ebernstein@oaklandcityattorney.org

10 Dated: June 4, 2018

JOHN LUEBBERKE
City Attorney for the City of Stockton

11 /s/ John Luebberke

12 SBN 164893
13 425 N. El Dorado Street, 2nd Floor
14 Stockton, CA 95202
15 Telephone: (209) 937-8333
16 Fax: (209) 937-8898
17 Email: John.Luebberke@stocktonca.gov
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[PROPOSED] ORDER

Based on the Parties' STIPULATION FOR HEARING AND BRIEFING DEADLINES RE: DISCOVERY OUTSIDE THE ADMINISTRATIVE RECORD, the Court shall hear oral argument on whether the discovery is appropriate in this action on June 28, 2018, at 10:00 a.m. in Courtroom 3, 17th Floor, Phillip Burton Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102. Each party shall file opening briefs on this issue, not to exceed 10 pages, on June 14, 2018. Each party shall file responding briefs, not to exceed 6 pages, on June 21, 2018.

IT IS SO ORDERED.

Dated: _____

HON. RICHARD SEEBORG
United States District Judge

CERTIFICATE OF SERVICE

Case Name: **State of California, et al. v.
Wilbur L. Ross, et al.**

No. **3:18-cv-01865**

I hereby certify that on June 5, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STIPULATION FOR HEARING AND BRIEFING DEADLINES RE: DISCOVERY
OUTSIDE THE ADMINISTRATIVE RECORD: [PROPOSED] ORDER**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 5, 2018, at Sacramento, California.

Eileen A. Ennis
Declarant

/s/ Eileen A. Ennis
Signature

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